

<b>Institution: Manchester Metropolitan University</b>		
<b>Unit of Assessment: C21 - Sociology</b>		
<b>Title of case study: Resisting the racialised criminalisation of minority ethnic individuals across England and Wales</b>		
<b>Period when the underpinning research was undertaken: 2012–2020</b>		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Becky Clarke Patrick Williams	Senior Lecturer in Criminology Senior Lecturer in Criminology	2014–present 2007–present
<b>Period when the claimed impact occurred: 2014–2020</b>		
<b>Is this case study continued from a case study submitted in 2014? No</b>		
<p><b>1. Summary of the impact</b></p> <p>Clarke and Williams' research has initiated the development of an academic, political and public counter-narrative against the current policing and punishment of 'gangs'. Significant social and criminal harms have accompanied the prevalent model of such policing, including the disproportionate criminalisation of minority ethnic groups and communities. Their research has compelled high-profile politicians, senior civil servants, and other influential commentators to scrutinise criminal justice policy and practice. They have led a meticulous deconstruction of the popular, and yet empirically unreliable, police narrative of the racialised gang as responsible for serious youth violence across England and Wales. Their work has informed the findings of the influential 'Lammy Review' and influenced associated national and international policy discussions. It has also led to action from the Information Commissioner that removed the names of thousands of young people from the notorious and unlawful Metropolitan Police 'Gang Matrix', while also influencing wider public dialogue and understanding. This impact serves to mitigate the related personal and social harms for minoritised groups and communities.</p>		
<p><b>2. Underpinning research</b></p> <p>Clarke and Williams' research reveals how constructions of negatively racialised communities lead to differential treatment and unequal criminal justice outcomes. Specifically, their work challenges the construct of the racialised 'gang' and constitutes a unique critical analysis of politically sanctioned and coordinated justice responses to the purported problem of 'gangs' across England and Wales. Their collaborative research foregrounds the experiences of those who are policed and the narratives of local and national campaign organisations and communities who are most affected by the criminalising tendencies of police-driven gang discourses. In this way, the research empirically disrupts discriminatory criminal justice policies and practices.</p> <p>In 2011, based on a reputation for delivering excellent applied research, the researchers were commissioned by the Manchester City Council (MCC) 'Violent Gangs Board' to produce a problem profile report. MCC were implementing the government's national Ending Gangs and Youth Violence (EGYV) initiative and needed to understand the demographic and offending profiles of individuals who were registered as gang nominals or who had been convicted of perpetrating serious violent offences. The report [1] was the first in the UK to empirically expose the academic and policy conflation of 'gangs' with serious youth violence, demonstrating that, despite the dominant political narrative, gangs and violence are not connected as frequently portrayed [2]. Since then, following a direct request by the researchers to reproduce this analysis in the capital, others have mirrored this analysis and confirmed the findings (e.g. the London Mayor's Office for Policing and Crime (MOPAC)).</p> <p>In 2014, the researchers collaborated with national campaign group Joint Enterprise Not Guilty by Association (JENGbA), Black Training and Enterprise Group (BTEG), and the Centre for Crime and Justice Studies (CCJS) to undertake a national research study examining the experiences of 242 individuals who had been convicted under joint enterprise laws. This study remains the largest survey undertaken of those convicted under the doctrine of joint enterprise. Existing research suggested that such laws disproportionately</p>		

affect minority ethnic groups but was unable to evidence how or why this occurs. In the 2016 publication 'Dangerous Associations: Joint Enterprise, gangs and racism' [3] the researchers demonstrated how 'the gang' had evolved into a symbolic communicative and expressive function, wilfully evoked by the police and Crown Prosecution Service to build a series of associations that drives the criminalisation of non-criminal behaviours. This in turn facilitates the collective punishment of groups of young black, mixed-race, and Asian people for offences they did not commit. The survey enabled the researchers to examine the procedural context of these convictions, evidencing *how* and *why* the narrative of the gang was used by prosecution teams to secure convictions. The gang becomes the primary association; it is constructed through a series of secondary racialising strategies and is used to support the disproportionate prosecution of minoritised communities [4].

This work has also demonstrated how much mainstream criminological research presents minoritised groups and individuals as outside the moral (and criminal) normative boundaries of society which serves to (re)produce and affirm the criminal Other [5]. In contrast to this approach, the values that govern Clarke and Williams' research derive from an interventionist critical social approach, utilised as a means through which to challenge injustice and criminalisation [6]. Such approaches are explicitly collaborative, building networks of localised collective power, and generating sites of resistance across communities and other institutional spaces. The innovative nature of the research is its focus on intervention, disrupting state-mediated hegemonic narratives by collaborating with non-academic bodies and groups, including grassroots campaigners and families. Their critical social research approach produces knowledge with a reflexive cognisance, recognising the interplay between social and economic power and powerlessness, justice and injustice, proportionate and disproportionate interventions, and establishes a framework through which racialised criminalisation can be revealed, understood and challenged.

### 3. References to the research

1. **Clarke, R.**, Crossley, C. and **Williams, P.** (2012) *Gang and Youth Violence in Manchester City: a partnership problem profile*. Manchester City Council (report).
2. **Williams, P.** and **Clarke, B.** (2018) "Disrupting the 'single story': Collective punishments, myth-making and the criminalisation of racialised communities." In Poynting, S., Bhatia, M. and Tufail, W. (eds.) *Racism, Crime and Media*. Palgrave.
3. **Williams, P.** and **Clarke, B.** (2016) *Dangerous Associations: Joint enterprise, Gangs and Racism*. London: Centre for Crime and Justice Studies.
4. **Clarke, B.** and **Williams, P.** (2020) "(Re)producing Guilt in Suspect Communities: An analysis of the centrality of negative racialisation in joint enterprise prosecution narratives." *International Journal of Criminal Justice and Social Democracy*, 9(3): 116-129. <https://doi.org/10.5204/ijcjsd.v9i3.1268>
5. **Williams, P.** and **Clarke, B.** (2018) "The Black Criminal Other as an Object of Social Control." *Social Sciences*, 7(11): 234. <https://doi.org/10.3390/socsci7110234>
6. **Clarke, B.**, Chadwick, K. and **Williams, P.** (2017) "Critical Social Research as a 'site of resistance': reflections on relationships, power and positionality." *Justice, Power and Resistance*, 1(2): 461-82. <https://egpress.org/Becky-Clarke-Kathryn-Chadwick-and-Patrick-Williams-Critical-Social-Research>

### 4. Details of the impact

The understanding and knowledge generated and exchanged by the researchers has resulted in three interrelated areas of impact. The research has actively informed political debate, supported direct interventions in policy and practice, and influenced wider public understanding. These demonstrate the overall aim of transforming policy and practice through collaborative research to reduce the harmful effects of racialised injustice.

#### Informing political debate to challenge existing policy and practice

While the development and discussion of criminal justice policy debate is often galvanised along partisan lines, the researchers and their partners ensure that they engage with and

inform the debate across the political spectrum. A clear example of this is the January 2016 parliamentary launch of the 'Dangerous Associations' report. The Centre for Crime and Justice Studies reported: *'the authors [Clarke and Williams] introduced the report to a cross-party group of MPs and Lords to explain why they thought the issue needs to be urgently addressed...The cross-party support for a review of joint enterprise is evident...the Dangerous Associations report has strengthened considerably the evidence-base that calls into question the discriminatory application of the joint enterprise doctrine'* [A].

The findings were immediately picked up within parliamentary discussion. Chuka Umunna MP cited the Dangerous Associations report and its central challenge to the application of 'the gang' during a House of Commons debate on Gangs and Serious Youth Violence where he stated: *'Some question whether we should even use the term 'gang'. What does it mean? I am grateful to the Centre for Crime and Justice Studies [Dangerous Associations report] for what it has said about that'* [A]. In 2017, the researchers presented at the relaunch of JENGbA to the House of Commons, bringing additional MPs that they had been working with during the intervening period, notably David Lammy MP (currently Shadow Justice Secretary) and Lucy Powell MP for Manchester Central (currently Shadow Minister for Business and Consumers) [A]. The impact of the research was extended in the publication of the landmark government-sponsored Lammy Review (2017): an independent review into the treatment of, and outcomes for, BAME individuals in the criminal justice system. Williams was an invited member of the Lammy Review's academic reference group, and the research is cited extensively throughout the final report [A]. In January 2018, Lucy Powell MP continued to challenge the government on this issue by initiating a debate in the House of Commons. Ms Powell MP directly cited the research as central to the exposure of issues that required urgent political attention: *'Is the minister aware of research from Manchester Metropolitan University which found huge disparity in terms of the number of people in prison under joint enterprise and how those prosecutions are brought...the research also found that the establishment had a gang narrative that often relied on neighbourhood narratives, racialised assumptions, unevidenced constructs and loose associations. We know that there are serious flaws in this approach. That is why my Right Hon. Friend the Member for Tottenham has raised it in his review and why the Home Affairs Committee is looking into it'* [A].

The momentum for change generated by the research is still having an important resonance. During the most recent online MPs' event involving the researchers in November 2020, there was further commitment from across the political spectrum for challenging the use of joint enterprise. The event was closed by David Lammy MP who made the following commitment: *'My friends on this call [MPs] are not new to this issue [of joint enterprise], we have been at this so long now there is absolutely an understanding that sadly this is unlikely to be solved by courts, will have to be solved by legislation...We've got to fix this...You do have my commitment that if we [Labour] were to come to office, we would reform this. It's a deep injustice'* [A].

### **Challenging the use of joint enterprise law and policing practice through consultation, partnership and advocacy**

The publication of Dangerous Associations in January 2016 marked a critical intervention and the researchers have since worked closely with NGOs, charities, public bodies, and policy makers to shape policy debates and practice in relation to policing and the use of joint enterprise laws. The Dangerous Associations report has had 8,642 unique page views, and it has been cited 69 times according to Google Scholar. This work is focused on advocacy and facilitation – bringing together key individuals, organisations, and communities to support further intervention. An example of this is the roundtable held in London in September 2017, operating under 'Chatham House Rules'. This event was opened by the researchers and facilitated a dialogue between Amnesty International, Liberty, The Mayor's Office for Policing and Crime (MOPAC), retired Metropolitan Police Officers, with grassroots campaigners JENGbA, The Monitoring Group, and community organisations 4Front and Spark Inside. The Dangerous Associations report has emboldened campaign groups and

organisations to undertake further investigations into the racialised nature of joint enterprise and gangs.

In 2017, Clarke was approached by Amnesty International to take on a key advisory role to support the production of the 'Trapped in the Matrix' project. The 'Trapped in the Matrix' report challenged the use of gang databases (such as the Metropolitan Police's Gangs Matrix), drawing significantly on the body of research undertaken by the researchers, including the direct reproduction of key data from Dangerous Associations. Amnesty International statistics state that 'Trapped in the Matrix' was reported in 38 online and offline locations, with estimated views of over 2,000,000 and social media shares of over 7,000. In November 2018, Amnesty International handed in a petition signed by 12,500 people to London City Hall, calling on them to review the Gang Matrix and either reform it so it complies with human rights laws or to scrap it [B]. At the Information Commissioner's Office (ICO) request, the researchers attended a meeting in January 2018 to share their data and research relating to the policing of gangs and the construction and application of gang databases. On 16th November 2018, the ICO issued an enforcement notice against the Metropolitan Police Service in relation to contraventions of data protection principles in the processing and use of its Gangs Matrix. A direct result of this intervention has seen a reduction in the number of people registered to the Matrix from 3,806 to 2,444 by October 2020 [C]. In May 2018, Williams was invited to make representation to a United Nations (UN) mission to the UK in relation to contemporary forms of racism. The end of mission statement has been shared on social media platforms 454,275 times (May 2019). It cites the research on gang-related surveillance databases from Manchester Metropolitan University extensively and makes a recommendation to the British Government that the Lammy Review is implemented in full. The final report from the country visit shows the actions taken at UN level to disrupt the use of the Gang Matrix within the UK, many of which are the same as those recommended within the research [D].

Williams was commissioned to write the report 'Being Matrixed: The (over)policing of Gang Suspects in London' by Stopwatch UK, a charity campaigning against the disproportionate and exceptional use of stop-and-search powers and the weakening of accountability mechanisms. The report website has been viewed 2,980 times [E]. A further significant shift in policy relates to the removal of the term 'gang' from the Sentencing Guidelines Council (SGC) guidance on aggravating factors that lead to the increase in length of custodial sentences at Crown Court. In February 2019, the SGC issued a consultation which included the proposed change in wording related to aggravating factors from 'offenders operating in groups or gangs' to 'the offence was committed as part of a group'. This is a further indication of how the wider shift in the debate, from political through to policy and practice, has acknowledged the racialised use of 'the gang' in driving racial disparity in criminal justice practice across England and Wales [F]. In July and October of 2020, the researchers made contributions to the Garden Court Chambers seminar series to an international audience of legal practitioners and campaigners on the subject of 'gangs' and joint enterprise. This series is the first of its kind internationally, seeking to directly inform legal practice through the development of legal defences' strategies against prosecution strategies outlined in the research. The online seminars, which attracted over 1,000 attendees, demonstrated a significant shift in acceptance among the legal profession of the principal ideas advanced by the researchers [G].

### **Influencing media discourses and increasing public and practitioner understanding**

As well as working closely with individuals and communities, the researchers have contributed to dialogue on policing, joint enterprise, 'gang' discourses, and racism in a range of public and media spaces. These included an invited session as part of the Manchester International Festival closing ceremony in 2017, a 'long-read' published article in a national newspaper, and the development of a 12-minute pre-recorded piece for a regional drive-time radio show. Recognition in a wide range of professional organisation and criminal justice practitioner outlets further demonstrates the significance and reach of the Dangerous Associations report alongside an acknowledgement of the implications of the research for

criminal justice practice and policy. Examples of these are articles in *Police Professional* publication and on Politics.co.uk [H].

In 2019, the film-maker Colin Stone was commissioned by the researchers to produce the film 'Dangerous Associations' which chronicles the harms of joint enterprise. The film features a range of prominent public figures including David Lammy MP, Lucy Powell MP, and barrister Stephen Akinsanya, alongside JENGBA campaigners. The film was launched on 7<sup>th</sup> July 2020 at HOME arts centre in Manchester, with an introduction by award-winning journalist Professor Gary Younge. Although the audience predominantly had some awareness of Joint Enterprise, respondents to the post-event survey indicated they had learned a great deal from the event and the film, with one attendee stating that it was: 'A compelling account of the severe impact of joint enterprise as a practice and the clear case for change. I was moved by the personal accounts and appreciated the film for its clarity of the evidence and presentation of the issues through a range of perspectives'. The potential for the ongoing significance and reach of the film is reflected by communities accessing it 757 times via the HOME digital media channel. In November 2020, local community group Not Guilty By Association (NGBA) held an online screening and discussion and in December 2020 Clarke was invited to respond to questions of Year 11 pupils as part of a high school screening of the film [I].

### 5. Sources to corroborate the impact

**A.** Evidence corroborating the reach and significance of impacts on the national policy debate: <https://www.crimeandjustice.org.uk/news/broad-support-launch-dangerous-associations-report>; Hansard reports from Parliament; video capture from Parliament TV; House of Commons debate pack on Joint Enterprise; David Lammy webinar; correspondence of advising; Lammy Review final report. Additional corroboration available from Lucy Powell MP, Centre for Crime and Justice Studies and JENGBA via uploaded contact details.

**B.** Evidence of the impact of work with Amnesty International: *Trapped in the Matrix* Amnesty International report: <https://share.coveragebook.com/b/d7f2b5fa>; <https://www.amnesty.org.uk/scrap-gangs-matrix>.

**C.** Testimonial from ICO representative corroborating impacts on the removal of names from the Gangs Matrix database; correspondence and audio/visual from the meeting; ICO news webpage: ICO finds Metropolitan Police Service's Gangs Matrix breached data protection laws (16 November 2018). Additional corroboration available from ICO via uploaded contact details.

**D.** Evidence of impact on UN's recommendations to the UK Government and associated policy position: OHCHR website, End of Mission Statement of the Special Rapporteur; Channel 4 news coverage of the visit of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (video clip).

**E.** Evidence of work with StopWatch; Williams, P (2018) Being Matrixed: The (over)policing of gang suspects in London; StopWatch view/citation numbers; testimonial from Stopwatch.

**F.** Evidence of influence on Sentencing Council Guidelines: <https://www.sentencingcouncil.org.uk/wp-content/uploads/Expanded-Explanations-consultation-FINAL.pdf>.

**G.** Evidence of impact of Garden Court Seminar Series: (July 2020) <https://www.gardencourtchambers.co.uk/events/joint-enterprise-a-relic-of-the-british-empire-and-how-the-black-lives-matter-movement-presents-an-opportunity-to-revisit-the-substantial-injustice-test>; (Oct 2020) <https://www.gardencourtchambers.co.uk/events/part-6-gangs-how-to-exclude-so-called-gang-evidence-in-criminal-trials-and-challenging-the-joint-enterprise-narrative>.

**H.** Evidence of public engagement and collaborations; Radio show; Article; MIF coverage; Police Professional article; Politics.co.uk article.

**I.** Evidence of Colin Stone documentary: Film launch <https://homemcr.org/article/dangerous-associations-a-documentary/>; audience survey; HOME digital channel reach stats. Additional corroboration available from HOME Manchester via uploaded contact details.